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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/689,182

10/20/2003

Richard R. Jenneke

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FAEGRE & BENSON LLP
PATENT DOCKETING
2200 WELLS FARGO CENTER
MINNEAPOLIS, MN 55402

EXAMINER

KIM, PAUL D

ART UNIT

PAPER NUMBER

3729

DATE MAILED: 06/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/689,182

Applicant(s)

JENNEKE, RICHARD R.

Examiner

Paul D. Kim

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3729

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12 is/are rejected.
- 7) ☒ Claim(s) 13-22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/1/2006 has been entered.

Claim Objections

2. Claims 12-22 are objected to because of the following informalities:

Re. Claim 12: After the phrase "spring bean tabs" as recited in line 8, delete one of two "at". Appropriate correction is required.

Re. Claim 13: The phrase "a major plane" as recited in line 3 appears to be --the major plane--.

Re. Claim 15: The phrase "a major plane" as recited in line 3 appears to be --the major plane--.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 12 is rejected under 35 U.S.C. 102(b) as being anticipated by Symons et al. (US PAT. 5,886,857).

Symons et al. teach a process of making a head suspension comprising steps of: providing a first head suspension component (20) having a compliant locating feature (50) including a plurality of spring beam tabs (60 as shown in Fig. 5) spaced around an opening, the spring beam tabs deflectable out of a major plane of the suspension assembly such as the spring beam tabs extend radially from the major plane of the suspension assembly as shown in Fig. 5; and locating the first head suspension component relative to a desired reference by inserting a taper pin (equivalent with a tool pin, not shown) into the opening and causing the pin to engage the plurality of spring beam tabs at least three points (51a, 51b, 51c) spaced by an arc length extending through the at least three points that is greater than 180 degrees to position the spring beam tabs around the pin (see also col. 2, lines 34-37 and col. 5, line 37 to col. 7, line 43).

Allowable Subject Matter

5. Claims 13-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to disclose the claimed invention such as the pin causing to deflect the spring beam tabs out of the major plane of the suspension

component (as per claim 13) and a second head suspension component having a compliant locating feature including a plurality of spring beam tabs and the plurality of spring beam tabs of the first head suspension component located between the plurality of spring beam tabs of the second head suspension component (as per claim 16). The closest reference, Symons et al., teach a process of using a pin to align between the suspension component with the spring beam tabs and the flexure. However, Symons et al., silent to force the pin by using clamp to deflect the spring beam tabs out of the major plane of the suspension component. Therefore, it would not be obvious to modify Symons et al. by adding any mechanism to deflect the spring beam tabs out of the major plane of the suspension component, since doing so would destroy the structure of the spring beam tabs or the head suspension of Symons et al.

Response to Arguments

7. Applicant's arguments filed 5/1/2006 have been fully considered but they are not persuasive. Applicant argues that the prior art of record fails to disclose the claimed invention such as the spring beam tabs deflectable out of a major plane of the suspension assembly and the plurality of spring beam tabs at least three points spaced by an arc length extending through the at least three points that is greater than 180 degrees. Examiner traverses the argument that Symons et al. teach the spring beam tabs extending radially from the major plane of the suspension assembly as shown in Fig. 5 and the spring beam tabs having at least three points (51a, 51b, 51c) spaced by an arc length extending through the at least three points that is greater than 180

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degrees. However, examiner agrees with the applicant's argument that the prior art of Holaway fails to teach the amended claimed invention.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul D. Kim whose telephone number is 571-272-4565. The examiner can normally be reached on Monday-Friday between 6:00 AM to 2:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Paul D Kim
Primary Examiner
Art Unit 3729